

AMENDED IN ASSEMBLY JUNE 7, 2000

SENATE BILL

No. 1859

Introduced by Senator Chesbro

February 24, 2000

An act to amend Section 76 of the Penal Code, *and to amend Section 1808.4 of the Vehicle Code*, relating to ~~crimes against~~ public officials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1859, as amended, Chesbro. ~~Crimes against public officials~~ *Public Officials*.

~~Under~~

(1) *Under* existing law, every person who knowingly and willingly threatens the life of, or threatens serious bodily harm to, any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, or the staff or immediate family of any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, with the specific intent that the statement is to be taken as a threat, and the apparent ability to carry out that threat by any means, is guilty of a public offense. Existing law requires any law enforcement agency that has knowledge of a violation of this provision to immediately report that information to the California Department of Justice. In addition to this reporting requirement, if a violation of this provision occurs that involves a constitutional officer of the state, a Member of the Legislature, or a member of the judiciary, existing law

requires the law enforcement agency that has knowledge of the violation to immediately report that information to the Department of the California Highway Patrol.

This bill would delete the requirement that any law enforcement agency that has knowledge of a violation of the above provision immediately report that information to the California Department of Justice.

(2) Existing law prohibits the disclosure of certain home addresses that appear in any records of the Department of Motor Vehicles, including among others, the home addresses of city, county, and state attorneys and the spouses and children of these persons. The unlawful disclosure of this information constitutes a crime.

This bill would add paralegals to the current list of persons whose addresses are confidential.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76 of the Penal Code is amended
 2 to read:
 3 76. (a) Every person who knowingly and willingly
 4 threatens the life of, or threatens serious bodily harm to,
 5 any elected public official, county public defender,
 6 county clerk, exempt appointee of the Governor, judge,
 7 or Deputy Commissioner of the Board of Prison Terms,
 8 or the staff or immediate family of any elected public
 9 official, county public defender, county clerk, exempt
 10 appointee of the Governor, judge, or Deputy
 11 Commissioner of the Board of Prison Terms, with the
 12 specific intent that the statement is to be taken as a threat,

1 and the apparent ability to carry out that threat by any
2 means, is guilty of a public offense, punishable as follows:

3 (1) Upon a first conviction, the offense is punishable
4 by a fine not exceeding five thousand dollars (\$5,000), or
5 by imprisonment in the state prison, or in a county jail not
6 exceeding one year, or by both that fine and
7 imprisonment.

8 (2) If the person has been convicted previously of
9 violating this section, the previous conviction shall be
10 charged in the accusatory pleading, and if the previous
11 conviction is found to be true by the jury upon a jury trial,
12 or by the court upon a court trial, or is admitted by the
13 defendant, the offense is punishable by imprisonment in
14 the state prison.

15 (b) Any law enforcement agency that has knowledge
16 of a violation of this section involving a constitutional
17 officer of the state, a Member of the Legislature, or a
18 member of the judiciary, shall immediately report that
19 information to the Department of the California
20 Highway Patrol.

21 (c) For purposes of this section, the following
22 definitions shall apply:

23 (1) “Apparent ability to carry out that threat” includes
24 the ability to fulfill the threat at some future date when
25 the person making the threat is an incarcerated prisoner
26 with a stated release date.

27 (2) “Serious bodily harm” includes serious physical
28 injury or serious traumatic condition.

29 (3) “Immediate family” means a spouse, parent, or
30 child, or anyone who has regularly resided in the
31 household for the past six months.

32 (4) “Staff of a judge” means court officers and
33 employees, including commissioners, referees, and
34 retired judges sitting on assignment.

35 (5) “Threat” means a verbal or written threat or a
36 threat implied by a pattern of conduct or a combination
37 of verbal or written statements and conduct made with
38 the intent and the apparent ability to carry out the threat
39 so as to cause the person who is the target of the threat to

1 reasonably fear for his or her safety or the safety of his or
2 her immediate family.

3 (d) As for threats against staff, the threat must relate
4 directly to the official duties of the staff of the elected
5 public official, county public defender, county clerk,
6 exempt appointee of the Governor, judge, or Deputy
7 Commissioner of the Board of Prison Terms in order to
8 constitute a public offense under this section.

9 (e) A threat must relate directly to the official duties
10 of a Deputy Commissioner of the Board of Prison Terms
11 in order to constitute a public offense under this section.

12 *SEC. 2. Section 1808.4 of the Vehicle Code is amended*
13 *to read:*

14 1808.4. (a) The home address of any of the following
15 persons, that appears in any record of the department, is
16 confidential, if the person requests the confidentiality of
17 that information:

18 (1) Attorney General.

19 (2) State public defender.

20 (3) Members of the Legislature.

21 (4) Judges or court commissioners.

22 (5) District attorneys.

23 (6) Public defenders.

24 (7) Attorneys *and paralegals* employed by the
25 Department of Justice, the office of the State Public
26 Defender, or a county office of the district attorney or
27 public defender.

28 (8) City attorneys ~~and~~, attorneys, *and paralegals* who
29 submit verification from their public employer that they
30 represent the city in matters that routinely place them in
31 personal contact with persons under investigation for,
32 charged with, or convicted of, committing criminal acts,
33 if those attorneys *and paralegals* are employed by city
34 attorneys.

35 (9) Nonsworn police dispatchers.

36 (10) Child abuse investigators or social workers,
37 working in child protective services within a social
38 services department.

(11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority specified in Sections 20017.77 and 20017.79 of the Government Code.

(13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody.

(14) County counsels *and paralegals* assigned to child abuse cases.

(15) Investigators employed by the Department of Justice, a county district attorney, or a county public defender.

(16) Members of a city council.

(17) Members of a board of supervisors.

(18) Federal prosecutors, *paralegals*, and criminal investigators and National Park Service Rangers working in this state.

(19) Any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.

(20) (A) The spouse or child of any person listed in paragraphs (1) to (19), inclusive, regardless of the spouse's or child's place of residence.

(B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of duty.

(b) The confidential home address of any of the persons listed in subdivision (a) shall not be disclosed to any person, except a court, a law enforcement agency, the State Board of Equalization, or any governmental agency to which, under any provision of law, information is

1 required to be furnished from records maintained by the
2 department.

3 (c) Any record of the department containing a
4 confidential home address shall be open to public
5 inspection, as provided in Section 1808, if the address is
6 completely obliterated or otherwise removed from the
7 record. The home address shall be withheld from public
8 inspection for three years following termination of office
9 or employment except with respect to retired peace
10 officers, whose home addresses shall be withheld from
11 public inspection permanently upon request of
12 confidentiality at the time the information would
13 otherwise be opened. The home address of the surviving
14 spouse or child listed in subparagraph (B) of paragraph
15 (20) of subdivision (a) shall be withheld from public
16 inspection for three years following the death of the
17 peace officer. The department shall inform any person
18 who requests a confidential home address what agency
19 the individual whose address was requested is employed
20 by or the court at which the judge or court commissioner
21 presides.

22 (d) A violation of subdivision (a) by the disclosure of
23 the confidential home address of a peace officer, as
24 specified in paragraph (11) of subdivision (a), a
25 nonsworn employee of the city police department or
26 county sheriff's office, or the spouses or children of these
27 persons, including, but not limited to, the surviving
28 spouse or child listed in subparagraph (B) of paragraph
29 (20) of subdivision (a), that results in bodily injury to the
30 peace officer, employee of the city police department or
31 county sheriff's office, or the spouses or children of these
32 persons is a felony.

33 *SEC. 3. No reimbursement is required by this act*
34 *pursuant to Section 6 of Article XIII B of the California*
35 *Constitution because the only costs that may be incurred*
36 *by a local agency or school district will be incurred*
37 *because this act creates a new crime or infraction,*
38 *eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section*
40 *17556 of the Government Code, or changes the definition*

1 *of a crime within the meaning of Section 6 of Article*
2 *XIII B of the California Constitution.*

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